

STATE OF GEORGIA
HENRY COUNTY GEORGIA
CITY OF STOCKBRIDGE

ORDINANCE NO. OR19-497

AN ORDINANCE TO AMEND CHAPTER 5.12 OF THE STOCKBRIDGE MUNICIPAL CODE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Stockbridge, Georgia desires to adopt a revised ordinance pertaining to solid waste collection; and,

WHEREAS, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

Section 1. That Chapter 5.12 of the Stockbridge Municipal Code is hereby deleted in its entirety and replaced with the provisions attached hereto as Exhibit A.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.


Section 4. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. Penalties in effect for violations of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

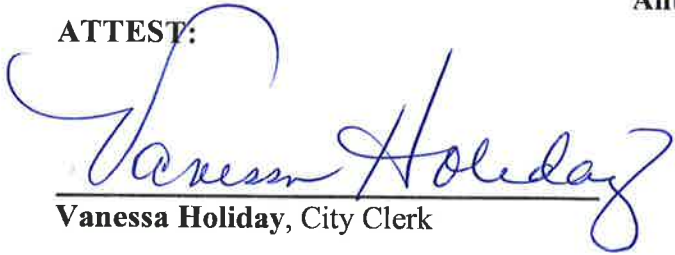
Section 6. The effective date of this Ordinance shall be the date of its enactment.

ORDAINED this 29th day of October, 2019.

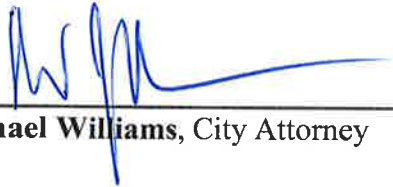
CITY OF STOCKBRIDGE, GEORGIA


Anthony S. Ford, Mayor

ATTEST:


Vanessa Holiday, City Clerk

APPROVED AS TO FORM:


Michael Williams, City Attorney

Date Presented to Mayor: 11-1-2019

Date Received from Mayor: 11-1-2019

TABLE OF CONTENTS

CHAPTER 5 – SOLID WASTE COLLECTION AND DISPOSAL

ARTICLE I. – GENERAL

5.12.100 – Purpose and intent.

5.12.110 – City to be exclusive collector of solid waste; mandatory solid waste service required.

5.12.120 – Definitions.

5.12.130 – Refuse disposal.

5.12.140 - Proper storage.

5.12.150 - Unlawful Disposal of Solid Waste.

ARTICLE II. - GARBAGE, REFUSE AND TRASH COLLECTION BY THE CITY

5.12.200 – Refuse acceptable for collection by city.

5.12.205 – Refuse not acceptable for collection by city.

5.12.210 – Garbage/recycling carts - general.

5.12.215 – Maintenance of garbage/recycling carts.

5.12.220 – Garbage/recycling carts —Location for collection.

5.12.225 – Garbage/recycling carts —Interference with contents.

5.12.230 - Only authorized personnel to remove garbage, refuse, trash and/or recycling.

5.12.235 - Pickup charges—Classification of customers—Frequency of collection.

5.12.240 - Pickup charges—Delinquent payment—Pickup discontinuance.

5.12.245 - Pickup charges—Added to water bill at trailer parks.

5.12.250 - Collection of fees.

5.12.255 – Solid waste transportation and vehicle requirements.

5.12.260 – Collection and disposal of solid waste.

5.12.265 – Yard waste.

5.12.270 – Bulk waste.

5.12.275. – Garbage/recycling collection for disabled persons.

5.12.280 – Move outs and evictions.

5.12.285 – Construction sites and transportation of materials.

5.12.290 - Spills from vehicles; concrete, cement, gravel, sand, dirt and asphalt hauling.

5.12.295 – Confinement of animals.

5.12.296 – Fire prevention.

5.12.297 – Enforcement.

ARTICLE III. – REGULATION OF DUMPING AND LITTERING

5.12.300 - Dumping on lots prohibited.

5.12.310 - Littering prohibited.

5.12.320 - Handbills and other advertising materials.

5.12.330 - Sweeping garbage, refuse and/or trash from stores.

5.12.340 – Weeds - Abatement by the city—Costs.

5.12.350 - Junk—Abatement by the city—Costs.

ARTICLE IV. – RECOVERY OF EXPENSES – PENALTIES - VIOLATIONS

5.12.400 - Expenses—Penalties.

5.12.410 - Reserved.

Chapter 5.12 – SOLID WASTE COLLECTION AND DISPOSAL

Article I – General

5.12.100 – Purpose and intent.

- A. To control the costs of solid waste management to the citizens of the City of Stockbridge.
- B. To protect the health, safety and general well-being of the citizens of the City of Stockbridge.
- C. To enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution by providing a comprehensive, rational and effective means of regulating the collection and disposal of solid waste in the City of Stockbridge in accordance with the provisions of the Georgia Rules for Solid Waste Management, as amended.
- D. To control solid waste material in the City of Stockbridge by establishing limitations, prohibiting certain acts causing solid waste disposal problems and to provide for enforcement for violations of the provisions of this ordinance.
- E. To govern the storage, collection and disposal of solid waste produced or otherwise created within the City of Stockbridge.
- F. To encourage and expand solid waste recycling and waste reduction.

5.12.110 – City to be exclusive collector of solid waste; mandatory solid waste service required.

- A. The city shall have the exclusive right to collect and dispose of all residential garbage, trash, recycling, yard waste, bulk waste and other solid waste defined as acceptable for city collection by the remaining portions of this chapter.
- B. In order for the city to provide adequate service to the citizens of the city for the collection, removal and disposal of accumulated refuse, the city may enter into a contract with an independent contractor for such services.
- C. It shall be mandatory for all owners, occupants or persons in possession, charge or control of all dwellings, buildings, places and premises in the City of Stockbridge in and from which solid waste is created, accumulated or produced to use the solid waste collection system of the city and pay for refuse collection service rendered to such dwelling, building, place or premises by a collector or permittee.
- D. The mayor and council shall have the power and authority to contract for and provide a waste collection system employing the use of standardized front-loaded containers to facilitate the collection and hauling of commercial and business garbage and solid waste in the city.

5.12.120 – Definitions.

As used in this chapter:

“Ashes” is defined as the residue from the burning of wood or other combustible materials.

"Bulk Waste" means those items of furniture, such as sofas, chairs, tables, carpets, mattresses, electronics, tubs, toilets, picnic tables, benches and other large items which cannot reasonably be placed in a 95- gallon garbage cart.

"Construction and Demolition Debris" means waste material resulting from construction, remodeling, repairs and demolition operations on houses, buildings and other structures, including driveways and walks and comprising waste and rejected matter such as excavated earth, stones, bricks, plaster, wallpaper, sheetrock and lathes, lumber, shingles, tile, concrete and waste parts occasioned by the installation or replacement of plumbing, heating systems, electrical work and roofing.

"Garbage" shall mean any putrescible or nonputrescible, organic or inorganic, combustible or noncombustible wastes, wastes from the preparation, cooking and serving of foods or liquids, market wastes, wastes from the handling and storage of produce, and those items of solid wastes normally generated as household refuse which can be properly and safely fitted into an approved solid waste container.

"Junk" means any used article of commerce which is composed principally of iron, steel, brass, copper, zinc, or their alloys, or any other base metals, whether enameled or not, and which shall include unusable vehicles or vehicle parts, refrigerators or other household or electrical appliances or gasoline-operated appliances of any description.

Litter means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description that are not "waste" as such term is defined in O.C.G.A. § 16-7-51(6).

Multiple-family dwelling (multifamily) means a building designed for or occupied by two (2) or more families, such as apartments, duplexes and triplexes.

"Refuse" means trash, rubbish or items or materials no longer fit for their original intended use.

"Rubbish" is defined to mean nonputrescible solid waste, excluding ashes, consisting of paper, cardboard, tin cans, yard clippings grass clippings, wood, glass, bedding, crockery, metal and similar materials.

"Trash" is defined to mean any nonputrescible, large combustible or noncombustible item of solid waste generated as household refuse.

"Yard Waste" means tree limbs, branches, twigs, grass and shrub trimmings and clippings, bushes, weeds, leaves and general yard and garden waste materials, excluding, stumps, stone and dirt rakings and similar waste materials resulting from routine landscaping activities.

5.12.130 – Refuse disposal.

All disposal of solid waste shall be by a method or methods in accordance with the requirements of the Georgia Rules for Solid Waste Management, as amended and local law.

5.12.140 - Proper storage.

- A. No owner, occupant, tenant or lessee of any property may deposit, store or permit to accumulate any solid waste upon their property that is not stored or disposed of in a manner prescribed by this ordinance.
- B. No person shall place any solid waste in any street, alley, road, highway or other public place, or upon any private property (whether owned by such person or not), within the city, except in proper containers for collection.
- C. The occupant of any premises within the city shall cover and/or secure all solid waste containers, keeping the storage area and area surrounding any containers in a clean, orderly and sanitary manner and preventing the waste from being scattered by animals, wind or other means. In the event that any solid waste stored in a plastic bag or other container becomes torn, spilled or otherwise scattered, the occupant shall be responsible for clean-up of the area.
- D. No person shall store solid waste in such a manner that it may be carried or deposited by the elements upon any public or private premises.
- E. No owner, occupant, tenant or lessee of a building or dwelling may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an airtight door, without first removing the door.
- F. The occupant of any premises within the city shall ensure that all solid waste is stored on the premises in containers complying with the requirements of this ordinance.
- G. The occupant of any premises within the city shall not store any solid waste, including recycling, yard waste and bulk waste, outside for more than seven (7) days.

5.12.150 - Unlawful Disposal of Solid Waste.

- A. It shall be unlawful for any person to leave, place, throw or deposit, or cause or permit any other person to leave, place, throw or deposit, in or upon any street, alley, sidewalk, public place, public property, or private property within the city limits, solid waste of any kind.
- B. It shall be unlawful for any person to leave, place, throw or deposit within the city's service area, or cause or permit any other person to leave, place, throw or deposit within the city's service area, solid waste of any kind for the purpose of collection and disposal by the city when the solid waste is generated at a location outside the city's service area or from a location where the city does not collect solid waste.
- C. It shall be unlawful for an owner, occupant, tenant or lessee of a building or dwelling or any other person to bury or submerge in water any solid waste material that is not permitted by the Georgia Rules for Solid Waste Management, as amended.
- D. It shall be unlawful for an owner, occupant, tenant or lessee of a building or dwelling or any other person to burn solid waste except as permitted by the Georgia Rules for Solid Waste Management, as amended.

- E. It shall be unlawful for an owner, occupant, tenant or lessee of a building or dwelling or any other person to allow an accumulation of solid waste which creates a fire, health or safety hazard or harborage for rodents or insects.
- F. It shall be unlawful for an owner, occupant, tenant or lessee of a building or dwelling or any other person to deposit in a solid waste container or otherwise set out for solid waste collection and disposal by the city or its authorized representative any waste that is considered unacceptable as defined in Section 5.12.205.
- G. It shall be unlawful for any person using a loading or unloading area to fail to deposit loose debris, paper, packaging material and other trash in the proper containers. The areas shall be kept clean, neat and sanitary.
- H. It shall be unlawful for the owner of any residential rental property to deposit building material at a designated residential collection site.
- I. It shall be unlawful to discard, disperse or dispose of tires in garbage dumpsters or garbage carts.
- J. It shall be unlawful for any person to interfere with, harass or otherwise impede an authorized agent or officer of the city when the agent or officer is inspecting property, investigating possible violations, or otherwise enforcing this section, or when the agent or officer is attempting to do any of the foregoing.
- K. It shall be unlawful for any owner or responsible person to fail to comply with his, her or its responsibilities as set forth in this section.

Article II. - Garbage, Refuse and Trash Collection by the City

5.12.200 – Refuse acceptable for collection by city.

- A. Garbage
- B. Bulk Waste
- C. Yard Waste
- D. Recycling
- E. Rubbish

5.12.205 – Refuse not acceptable for collection by city.

- A. Unless otherwise determined by the city, the following wastes are determined inappropriate for collection and conveyance by the city: incinerator ash; foundry sand; explosives; hospital, pathological and biological waste; dead animals; chemicals and radioactive materials; oil sludge; asbestos; septic tank or other human waste; sewage and other highly diluted, water-carried materials or substances; materials in gaseous form; human remains; street sweepings; ash; mining waste; sludge; and hazardous refuse of any kind, such as cleaning fluids, crank case oils, cutting oils, paints, acids, caustics, poisons and drugs. The city may issue regulations adding or removing items from this list.

- B. Hazardous Waste means any refuse, sludge or other waste material or combinations of refuse, sludge or other waste material in solid, semi-solid, liquid or contained gaseous form which, because of its quantity, concentration or chemical, physical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed. Categories of hazardous waste materials include, but are not limited to explosives, flammables, oxidizers, poisons, irritants and corrosives. The city may issue regulations adding or removing items from this list.
- C. No person shall place or cause to be placed with solid waste to be collected any needles, syringes, lancets, scalpel blades, broken glass, sharp metals and other objects that may cause punctures or cuts unless they are first placed in an appropriate container. An appropriate container is one that is rigid, puncture-resistant, break-resistant and tightly lidded during the handling and transport of solid waste.

5.12.210 – Garbage and recycling carts - general.

- A. A garbage/recycling cart is a plastic, wheeled receptacle having a tight-fitting attached lid, carrying identification of the city and/or the city's authorized representative, with a designated serial number/barcode and whose design, construction and capacity shall be determined by the city.
- B. Garbage/recycling carts shall be required for curbside collection service. The responsibility for obtaining such carts shall be upon the owner or occupant of the premises desiring and otherwise eligible, by the terms of this ordinance, for curbside collection service. The owner or occupant of the premises is required to contact the public works department and request the delivery of carts if none are on the property.
- C. All residential and some small commercial customers will utilize a 95-gallon garbage cart as well as a 65-gallon recycling cart provided by the city's authorized representative. These carts will be provided to every residence and some small commercial customers on a one- time basis. If a cart is removed from the residential or small commercial location the replacement cart will be paid for by the owner and/or occupant of the residential or commercial location.
- D. All refuse, garbage, trash and recycling shall be placed in the garbage and/or recycling cart for collection. The carts shall be placed at curbside for collection purposes and the collection schedule shall be announced by the city. If the carts are not near the curbside at collection time, this will indicate no service is needed.
- E. Additional garbage/recycling carts may be obtained from the city's authorized representative by the owner or occupant for an additional fee and will be serviced according to the provisions of this ordinance.

5.12.215 – Maintenance of garbage/recycling carts.

- A. All garbage/recycling carts issued by the city's authorized representative for use shall remain the city's authorized representative's property and shall only be used for storage of solid waste and/or recycling materials collected by the city's authorized representative. Each person subject to the provisions of this ordinance shall be responsible for the carts assigned and shall not abuse, remove or destroy the carts. If service is discontinued for any reason, the carts shall be left on the premises vacated and if the carts are not left on the vacated premises the cost of the carts may be charged to the utility deposit refund if applicable.
- B. Garbage/recycling carts shall be secured by the resident, between collection days, in such a manner that they are not readily susceptible to theft or vandalism.
- C. It shall be unlawful for any person to willfully damage or destroy any garbage/recycling cart. Anyone found to have intentionally or negligently damaged a cart shall be liable for the replacement or repair cost. Any cart that is stolen shall be replaced at no charge, provided that a police report is submitted to the city.
- D. If the garbage/recycling cart requires physical maintenance, including replacement of wheels, lid or repairs of other wearing or damage, the customer shall call the public works department to request such service. The damaged cart shall be emptied and washed out and left in front of the garage or next to the building/house where it can readily be seen from the street.
- E. Customers shall keep the inside and the outside of the garbage/recycling cart clean. There shall be no markings, such as graffiti or stickers, on the outside of the cart that are not placed there by the city or by the city's authorized representative. Any markings that appear on the outside of the cart that are not placed there by the city or the city's authorized representative shall be promptly removed by the customer. Customers shall routinely wash or rinse out the interior of the cart so that offensive odors are not detected outside of the empty cart.

5.12.220 – Garbage/recycling carts —Location for collection.

- A. No garbage/recycling carts shall be placed on the curbs of streets, alleys or thoroughfares of the city except at the time and place prescribed by this section for collection. At the time of collection, such carts must be placed so as to be accessible to the city's authorized representative in removing the same, but not in such places as will be a detriment to the appearance of the streets, alleys and thoroughfares of the city.
- B. It shall be the duty of every person owning, controlling, managing, operating, policing, renting, or occupying any premises where garbage, refuse, trash and/or recycling accumulates within the corporate city limits to see that all garbage, refuse, trash and recycling are placed, deposited, and kept in the proper authorized carts and that such carts are set out in such a place so as to be accessible by the city's authorized representative. No employee of the city shall assist in the performance of these duties.

5.12.225 – Garbage/recycling carts —Interference with contents.

No person shall remove, scavenge, collect or disturb the contents of any garbage and/or recycling cart set out for removal by the city, without the express permission of the city.

5.12.230 - Only authorized personnel to remove garbage, refuse, trash and/or recycling.

No person, except those duly authorized by the city as city collectors, shall collect, remove or empty garbage/recycling carts or collect or transport garbage, trash, refuse and/or recycling on the streets, alleys and public thoroughfares within the corporate city limits.

5.12.235 - Pickup charges—Classification of customers—Frequency of collection.

- A. Every person owning, controlling, managing, operating, policing, renting, or occupying any premises where garbage, refuse and/or trash accumulates within the corporate city limits shall be a "garbage and refuse customer" for the purposes of this chapter and shall receive garbage, refuse and trash collection services exclusively from those persons authorized by Section 5.12.230 of this chapter.
- B. Except as otherwise provided and except in the case of an emergency arising from an act of God or under circumstances over which the city has or had no control, the city or its authorized representative shall collect, remove and dispose of all household garbage, recycling, yard waste, bulk waste and other solid waste in the city's service area at least once a week (7-day period). If a holiday should fall during the week in which an area is due a regular collection, such collection shall be made the following day, unless otherwise announced by the city.
- C. Charges for garbage, refuse and trash collection services provided by persons authorized by Section 5.12.230 of this chapter shall be fixed by the mayor and council. A current copy of the rate schedule shall be maintained on file in the office of the city clerk and shall be available for public inspection. Rates will be subject to periodic review and adjusted by the mayor and council by separate resolution as necessary to ensure adequate cost recovery for operation of the solid waste collection system.
- D. Garbage and refuse customers shall be classified as either residential, commercial or industrial.
- E. Residential garbage, refuse and trash pickup will occur once per week.
- F. Commercial garbage, refuse and trash pickup will occur twice per week.
- G. Solid waste pickup shall be any time from 6:00 A.M. until 6:00 P.M. on the day of collection. Changes in weather conditions, crew assignment and equipment problems can cause the pickup time to be earlier or later in the day. Solid waste for collection should always be out by 6:00 A.M. on collection day.

5.12.240 - Pickup charges—Delinquent payment—Pickup discontinuance.

- A. Each garbage and refuse collection customer, whether provided water and sewer services from the city or not, shall pay the charges assessed for garbage, refuse, and trash collection, as provided for in Section 5.12.240 of this chapter. Failure to pay the charges assessed shall constitute a violation of this chapter punishable by the City of Stockbridge Municipal Court in accordance with Section 5.12.410 of this chapter.

- B. In addition to any fine or sentence imposed by the City of Stockbridge Municipal Court, the city may, in its sole discretion, suspend sanitation services (garbage pickup and disposal) to any customer or property that has failed to timely pay for services provided by, or on behalf of, the city. Before services are suspended the customer shall be notified, in writing, either by certified mail, return receipt requested, or by leaving notice on the front door or main entrance to the property. Said writing shall notify the customer or resident of the delinquency, the amount owed, and that the designated services will be suspended within ten (10) days of the customer's receipt of the certified mail or within ten (10) days of the leaving of the notice at the door of the property. The notice shall further state that if the customer in good faith disputes the amount owed, he shall contact the city clerk, in person, prior to expiration of the ten (10) day period, to document the dispute. The city manager shall have the authority to rectify any errors in customer billing.
- C. In addition to any fine or sentence imposed by the City of Stockbridge Municipal Court, for charges assessed for sanitation services (garbage pickup and disposal) provided by, or on behalf of, the city, including penalties, a lien shall be created against the property served, including real property. The lien shall be automatically created and perfected against the property when the charges for sanitation services become due without further action by the city, and this section shall operate to notify all persons of the lien created hereby. Any assessment authorized under this section, the interest thereon, and the expense of collection shall be a lien against the property so assessed coequal with the lien of other taxes and shall be enforced in the same manner as are state and county ad valorem property taxes by issuance of a fi. fa. and levy and sale as set forth in title 48 of the Official Code of Georgia Annotated. The lien shall run with the property and shall not be extinguished by the transfer of the lien property by sale, foreclosure or other method. The city may, in its sole discretion, refuse water, sewer or sanitation services to any property upon which a lien exists.

5.12.245 - Pickup charges—Added to water bill at trailer parks.

The sanitation fee for each trailer shall be added to the water bill at the trailer parks where the owner pays the water bill for the entire trailer park.

5.12.250 - Collection of fees.

- A. Garbage, refuse and trash collection service charges ("sanitation service charges") accrued pursuant to this chapter shall be billed and collected in the manner and at the interval deemed most efficient by the city and shall be payable in accordance with the rules and regulations of the city's finance department as applied generally to all bills. A sanitation charge bill may be sent through the United States mail or by an alternate means notifying the customer of the amount of the bill, the date payment is due and the past due date. Failure to receive a bill is not justification for nonpayment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of developed land, as shown from public land records of Henry County, shall be ultimately obligated to pay such sanitation service charge. If a customer is under-billed or if no bill is sent, the city may back bill for a period of up to one (1) year but shall not assess penalties for any delinquency. A one and one-half percent (1.5%) per month late charge shall be billed based on the unpaid balance of any sanitation charge that becomes delinquent.

- B. The sanitation service charges may be billed through any reasonable method as determined and published by the mayor and council. Said methods from which the city may elect to bill a property owner include but are not limited to on a common statement with applicable ad valorem taxes generated through Henry County taxing authority, in conjunction with other utility services provided by the city, or any other method by which the city could bill property owners.
- C. The owner of each property, building, premises, lot or house shall be obligated to pay such sanitation service charges. Any sanitation service charge or portion of a service charge not paid when due may be recovered in an action at law or equity by the city.
- D. In addition to any other remedies or penalties provided by this or any other ordinance of the city, failure to pay any sanitation service charge when billed in conjunction with another utility bill may result in a discontinuance of any or all other utility services provided by the city.
- E. Until such time as the city passes an ordinance or resolution amending the foregoing provisions, the city elects to bill residential customers for sanitation service charges on an annual basis beginning in November of 2009 on the ad valorem tax notices issued through the Henry County tax assessor. All other classification of customers described in Section 5.12.235 shall be assessed beginning in 2010 by a method authorized by the mayor and council via adoption of a resolution or ordinance.
- F. For the purposes of assessment and collection of sanitation service charges, each dwelling, unit or improved space shall be considered a separate sanitation customer or "garbage and refuse customer" if said space is heated, has plumbing and has an entry/exit point to the exterior of the building according to the Henry County tax records.

5.12.255 – Solid waste transportation and vehicle requirements.

- A. All vehicles, except those owned by individuals hauling their own solid waste, shall display an identifying tag or decal.
- B. All haulers under contract to collect residential and commercial waste in the city shall use a compactor or roll-off trucks. Vehicles or containers used for the collection and transportation of garbage or refuse containing garbage shall be covered, leak-proof, durable and of sturdy construction. They shall be cleaned as often as necessary to prevent a nuisance, pollution or insect breeding and shall be maintained in good repair. In cases when the compactor or roll-off trucks cannot proceed on a certain road due to physical barriers or safety concerns, trucks with permanent bed covers shall be acceptable.
- C. All vehicles, both private and commercial, used for the transportation of solid waste shall provide that all solid waste or other items to be disposed of be covered or loads secured by some effective means such to prevent the spillage or loss of waste while being transported. "Effective" shall mean durable, heavy plastic, canvas or tarpaulin tied down or secured to cover the entire load. Loads consisting of building rubbish, limbs and bulk items shall be loaded and secured with rope or tie downs to assure spillage does not occur. Where spillage does occur, the material shall be picked up immediately by the solid waste collector and transporter and returned to the vehicle or container and the area properly cleaned.

- D. If a residential or commercial hauler allows leachate to escape onto the public roadway or ditch line, said leachate shall be cleaned up immediately by the hauler.
- E. Any person collecting and transporting solid waste generated on their property for disposal at an approved disposal site shall comply with this ordinance in all respects.

5.12.260 – Collection and disposal of solid waste.

Trash and refuse collectors are not required to collect from premises where the provisions of this ordinance are violated. The failure to collect any trash or garbage from the premises because of a violation of the provisions of this ordinance shall not relieve the person responsible for such violation from prosecution and penalty, therefore.

If the public right-of-way is damaged during the removal of any solid waste from any property, such person, business or commercial entity shall restore the public right-of-way to the condition that it was in before the damage occurred or shall pay the city in full for any costs and expenses which the city incurs in connection with the performance of that work.

A. Residential Solid Waste Collection and Disposal

The city or its authorized representative shall provide residential solid waste collection and disposal services from eligible residential buildings. The city or its authorized representative is not required to collect any residential solid waste that does not comply with the requirements of this ordinance.

1. The occupant shall place all residential solid waste curbside for collection and disposal by the city or its authorized representative, no later than 6:00 A.M. on the day of collection and no earlier than 7:00 P.M. on the day before the scheduled collection day. The garbage cart shall be removed from curbside no later than 7:00 P.M. on the day of collection. Violations of this section should be reported to the Department of Community Development – Code Enforcement. Upon receiving a complaint, the Department of Community Development – Code Enforcement shall investigate such complaint. Upon finding a violation, the offending party shall be notified in writing to remove the cart. The offending party shall have twenty-four (24) hours after receiving the notice to remove the cart. Any party failing to remove the cart from curbside within the specified time after receiving the notice shall be guilty of a misdemeanor.
2. All garbage carts shall be stored on the property of the owner or occupant of the premises at a site not in public view.
3. All garbage must be bagged and placed inside the garbage cart. The cart shall not be filled to overflowing and the placement of refuse or garbage in a cart that is at full capacity is prohibited. The placement of garbage or refuse next to or outside of a cart is also prohibited. Only the 95- gallon cart provided by the city or its authorized representative will be serviced.
4. The occupant shall place all residential solid waste for collection by the city or its authorized representative within five (5') feet of the edge of the traveled portion of the street or at such other place as approved or designated by the city.

5. All garbage carts shall be maintained in a clean and sanitary condition and in good repair.
6. Any garbage cart that does not conform to the provisions of this section, or that may have ragged or sharp edges or any other defect that will hamper or injure the person collecting the contents thereof, or is likely to cause bags to tear, must be promptly removed and replaced by a proper cart upon receipt of notice to that effect from the city.
7. All sharps shall be placed in a sealed, puncture-proof container prior to disposal.
8. Use of unapproved containers, such as wooden containers, screen/wire containers or fifty-five (55) gallon drums for the storage and collection of solid waste are prohibited.

B. Residential Recycling Collection and Disposal

In order to protect the environment by conserving natural resources and preserving rapidly dwindling landfill space as well as minimizing waste disposal costs, the city encourages all residential occupants to recycle all recyclable materials and implement reduction activities. Therefore, the city or its authorized representative shall provide residential recycling collection and disposal services from eligible residential buildings. The city or its authorized representative is not required to collect any residential recycling that does not comply with the requirements of this ordinance.

1. The occupant shall place all residential recycling curbside for collection and disposal by the city or its authorized representative, no later than 6:00 A.M. on the day of collection and no earlier than 7:00 P.M. on the day before the scheduled collection day. The recycling cart shall be removed from curbside no later than 7:00 P.M. on the day of collection. Violations of this section should be reported to the Department of Community Development – Code Enforcement. Upon receiving a complaint, the Department of Community Development – Code Enforcement shall investigate such complaint. Upon finding a violation, the offending party shall be notified in writing to remove the cart. The offending party shall have twenty-four (24) hours after receiving the notice to remove the cart. Any party failing to remove the cart from curbside within the specified time after receiving the notice shall be guilty of a misdemeanor.
2. All recycling carts shall be stored on the property of the owner or occupant of the premises at a site not in public view.
3. All recycling must be bagged and placed inside the recycling cart. The cart shall not be filled to overflowing and the placement of recycling in a cart that is at full capacity is prohibited. The placement of recycling next to or outside of a cart is also prohibited. Only the 65-gallon cart provided by the city or its authorized representative will be serviced. The following items are acceptable for recycling:
 - a. Cardboard boxes
 - b. Junk mail and magazines
 - c. Newspapers
 - d. Phone books

- e. Office paper
- f. Plastic milk jugs
- g. Plastic detergent bottles
- h. Plastic water and soft drink bottles
- i. Aluminum and tin cans
- j. Plastic jars (NO GLASS)

Items made of recyclable materials, that are not household type containers, are not acceptable like plastic toys or metal fixtures.

Recycling will be collected on an every other week schedule.

- 4. The occupant shall place all residential recycling for collection by the city or its authorized representative within five (5') feet of the edge of the traveled portion of the street or at such other place as approved or designated by the city.
- 5. All recycling carts shall be maintained in a clean and sanitary condition and in good repair.
- 6. Any recycling cart that does not conform to the provisions of this section, or that may have ragged or sharp edges or any other defect that will hamper or injure the person collecting the contents thereof, or is likely to cause bags to tear, must be promptly removed and replaced by a proper cart upon receipt of notice to that effect from the city.
- 7. Use of unapproved containers, such as wooden containers, screen/wire containers or fifty-five (55) gallon drums for the storage and collection of solid waste are prohibited.

C. Commercial Solid Waste Collection and Disposal

- 1. The owners and/or operators of commercial and industrial establishments and/or apartment houses, including public housing consisting of six (6) or more living units, shall, provide commercial containers in sufficient number to adequately contain the garbage and refuse disposal at the location. The type, size, number and location of commercial containers required by this section shall be subject to the approval of the public works director or their designee. It shall be the responsibility of the owner of the property to collect fees from tenants, leases or association owners. Common containers may be requested for commercial garbage service; however, a written request must be submitted to the public works director or their designee for approval before such arrangement is allowed.
- 2. All containers in which solid waste is placed shall be made of metal or plastic, insect-proof, rodent-proof and have a tight-fitting, watertight cover.
- 3. All containers shall be maintained in a clean and sanitary condition and in good repair.
- 4. Any container that does not conform to the provisions of this section must be promptly removed and replaced by a proper container upon receipt of notice to that effect from the city.

Preparation and storage of commercial and multiple dwelling refuse for collection.

1. Before a building permit shall be issued for construction of a commercial establishment, condominium or multiple dwelling, arrangements for the storage of refuse and location of containers must be approved by the Department of Community Development.
2. Commercial containers at existing commercial establishments and multiple dwellings shall be placed at locations approved by the city. Refuse will not be collected from commercial establishments or multiple dwellings unless it is placed in commercial containers, properly located. Cardboard boxes shall be flattened and placed in containers.
3. The occupant, or occupants, of commercial establishments and the management of multiple dwellings serviced by commercial containers shall be responsible for maintaining the area surrounding such commercial containers clean and free of accumulations of refuse.
4. All garbage and rubbish shall be free of liquid and placed in watertight paper or plastic bags with the tops secured prior to placing in commercial containers.
5. Commercial containers containing any of the following items will not be emptied:
 - (a) Large household or industrial appliances
 - (b) Furniture
 - (c) Tires
 - (d) Wooden crates
 - (e) Logs or limbs over four (4') feet in length or four (4") inches in diameter
 - (f) Bed springs
 - (g) Rock, dirt, concrete blocks, etc.
 - (h) Uncontainerized garbage, yard debris and household trash
6. Normal household appliances will be collected on a special fee basis at multiple dwellings served by commercial containers, when placed adjacent to the commercial container and reported to the sanitation provider.
7. It is unlawful to place or cause to be placed in any refuse container for collection any acid, explosive material, inflammable liquids or dangerous or corrosive material of any kind.

Dumpsters

- (a) Each dumpster or roll-off container shall have posted thereon the name, address and phone number of the owner of said dumpster or roll-off container.

- (b) Each dumpster or refuse container shall be equipped with reflectorized tape or other reflective devices adequate to warn others of its presence during night hours.
- (c) No dumpster or refuse container shall be placed in a moving lane of traffic.
- (d) The public works director or their designee shall be notified of the location of all dumpsters or refuse containers placed in any streets, alleys, highways, sidewalks or other public ways within the city.
- (e) The dumpster or refuse container shall be required to be moved if the placement or location of the dumpster or refuse container constitute a safety hazard.
- (f) The placement of garbage or refuse in a dumpster that is at full capacity is prohibited. The placement of garbage or refuse next to or outside of a dumpster or refuse container is also prohibited.
- (g) No dumpster or refuse container shall be placed so as to interfere with public works construction being performed by the city.
- (h) No dumpster or refuse container shall be placed within twenty-five (25') feet of any intersection.
- (i) Dumpsters or refuse containers used in commercial areas shall be maintained and cleaned to prevent the harboring or breeding of vectors including rats, rodents, flies or harmful insects.

D. Industrial Solid Waste Collection and Disposal

1. Industrial customers must contract with private vendors for the collection and disposal of garbage, refuse and trash. Waste or refuse from manufacturing, assembling or processing operations will not be collected by the city. The city reserves the right, after sixty (60) days' notice, to require any industrial customer described in this subsection to receive garbage, refuse and trash collection services exclusively from the city.
2. Any property, trash, belongings or other items placed curbside following an eviction shall be removed within forty-eight (48) hours of the physical eviction by the property owner.

5.12.265 – Yard waste.

The city's yard waste collection service was established for the benefit of its single-family residents. Yard waste includes organic waste generated during regular household landscaping and gardening activities. Examples include leaves, straw, hedges, shrubs, tree trimmings, grass and other inert materials resulting from general residential yard cleaning. Rocks, dirt and gravel are not considered yard waste.

The city or its authorized representative shall not collect yard waste from commercial, multi-family, industrial, institutional or other similar facilities.

How to Prepare Yard Waste

- (1) Yard waste shall be placed within five (5') feet of the curb and at least three (3') feet away from other collection items and obstacles such as mailboxes, phone poles, vehicles, etc. Do not block the sidewalk. If the city or its authorized representative is unable to reach the yard waste due to an obstruction, it will not be collected.
- (2) Yard waste shall not be mixed with household waste or other solid waste.
- (3) Request for service must occur no less than twenty-four (24) hours before scheduled day of service.
- (4) Yard waste must be placed at the curb no later than 6:00 A.M. on the scheduled day of service.
- (5) Limbs and branches shall not exceed four (4') feet in length and the pile should not exceed four (4) cubic yards (approximately the size of the bed of a standard pick-up truck). In the event the amount exceeds four (4) cubic yards and the resident desires to have the debris collected in one pickup, they must call the city or its authorized representative to arrange pickup and pay the appropriate fee.
- (6) Leaves and grass clippings must be bagged in paper or plastic and up to ten (10) bags of yard debris will be removed weekly on the customer's normal collection day. Eleven (11) or more bags are considered bulk service and this service requires scheduling a pickup.
- (7) Pile should weigh no more than seventy-five (75) pounds.
- (8) Leaves, straw, hedges, shrubs, tree trimmings, grass and other inert materials resulting from general residential yard cleaning should not be placed in ditches or along the curbs. When ditches and storm drains get clogged with leaves and debris, water no longer drains from the street – it ponds along streets and can flood intersections and homes.

What We Cannot Collect

- (1) Yard waste that is not properly prepared or is mixed with garbage or other solid waste.
- (2) Yard waste generated by private contractors performing tree removal, mowing, trimming or other landscaping activities at residences. All nurseries, landscape gardening firms, clearing, grading and building contractors and logging and pulpwood related operations shall remove all solid waste which they generate through their work.
- (3) Trimmings where trees are trimmed or cut for compensation whether the compensation is in cash or in the wood from the trees trimmed.
- (4) Trimmings from the original development of a lot.
- (5) Trimmings generated by tree surgeons.
- (6) Tree stumps and root balls.

5.12.270 – Bulk waste.

Acceptable bulk waste items include furniture, carpeting, mattresses, household appliances or “white goods”, including items such as refrigerators, washing machines or dryers.

The city or its authorized representative shall not collect bulk waste from commercial, multi-family, industrial, institutional or other similar facilities.

How to Prepare Bulk Waste

- (1) Bulk waste shall be placed within five (5') feet of the curb and at least three (3') feet away from other collection items and obstacles such as mailboxes, phone poles, vehicles, etc. Do not block the sidewalk. If the city or its authorized representative is unable to reach the bulk waste due to an obstruction, it will not be collected.
- (2) Bulk waste shall not be mixed with household waste or other solid waste.
- (3) Request for service must occur no less than twenty-four (24) hours before scheduled day of service.
- (4) Bulk waste shall be neatly stacked in a pile and not scattered.
- (5) Carpet, padding and rugs shall be rolled in four (4') foot sections and tied or taped and weigh no more than fifty (50) pounds.
- (6) Freezers and refrigerators must have the freon reclaimed and a certification sticker placed on them as required by federal law. Residents must contact a licensed heating/cooling specialist to reclaim the freon before putting it out for collection. Any refrigerator, freezer, icebox or other receptacle that has an airtight door and is accessible to children shall have the door removed prior to being placed curbside for collection.
- (7) For items that contain glass, the glass shall be extensively taped and cross taped to prevent it from shattering.
- (8) Bulk waste should not be placed in ditches or along the curbs. When ditches and storm drains get clogged with debris, water no longer drains from the street – it ponds along streets and can flood intersections and homes.
- (9) No more than three (3) items will be removed during each weekly service at no additional charge.

What We Cannot Collect

- (1) Bulk waste that is not properly prepared or is mixed with garbage or other solid waste.
- (2) Auto parts, dirt, shingles, pallets, concrete blocks, concrete, bricks, fuel/oil tanks, manufacturing process debris, loose or dangerous refuse.
- (2) Debris from work performed by anyone other than the resident.
- (3) Building materials from a contractor.

- (4) Treated lumber and wood.
- (5) Debris from vacant property that has been empty for more than sixty (60) days.
- (6) Debris of any type on vacant lots.
- (7) Debris over seventy-five (75) pounds.

5.12.275. – Garbage/recycling collection for disabled persons.

Any person who is a full-time resident of a single-family residential unit who is disabled to the extent of being incapable of moving their garbage/recycling cart shall obtain a physician's certificate as to this disability and shall not be required to place the cart at curbside. This section does not apply unless all of the persons in a residential unit are disabled and obtain a physician's certificate. These certificates will be mailed to the city's authorized representative for appropriate notification of pickup crews. This subsection also applies to temporary disability not to exceed ninety (90) days (extensions are required).

5.12.280 – Move outs and evictions.

- A. For rental properties, garbage, trash or other solid waste originating from the property during the clean up between the tenants shall be the responsibility of the landlord and/or the property owner. Following an eviction, any property, trash, belongings or other items shall be placed on some portion of the landlord's property, immediately behind the sidewalk, a minimum of five (5') feet behind the curb or off the pavement and shall not be located as to impede or obstruct or divert either pedestrian or vehicular traffic or the flow of surface water or block stormwater structures. After twenty-four (24) hours from the time of eviction a landlord shall remove material placed at the curb as a result of the eviction. If the landlord fails to remove these items, the city will remove these items within three (3) business days after becoming aware of said items. The charges and fees for removal shall apply.

5.12.285 – Construction sites and transportation of materials.

- A. Any person who has secured a building permit shall, prior to the commencement of any construction activity in the city's service area, obtain a container of suitable size and design to contain all solid waste, litter or construction and demolition debris which may be distributed or removed from the property by the winds or elements.
- B. Construction and demolition debris mean those materials resulting from the alteration, construction, destruction, rehabilitation or repair of any physical structure that is built by humans, including, without limitation, houses, buildings, industrial or commercial facilities or roadways. Construction and demolition debris also include particles and dust created during demolition activities.
- C. No person generating solid waste or construction and demolition debris shall allow solid waste or litter of any kind to be blown or be carried by the elements from the premises or property at which the building permit was secured.
- D. Any person engaged in construction or demolition shall remove the solid waste, litter and construction and demolition debris, including structural parts, from the construction site and

contain their elements from scattering in the same manner as set out in Section 5.12.140. Construction and demolition debris and other solid waste shall be removed and disposed within five (5) days of the completion of the project to an approved solid waste or construction and demolition facility.

- E. No solid waste shall be burned except as permitted by the Georgia Rules for Solid Waste Management, as amended.
- F. No person shall bury or submerge in water any solid waste material that is not permitted by the Georgia Rules for Solid Waste Management, as amended.
- G. Any person hauling solid waste, litter or construction and demolition debris shall comply with Section 5.12.255.

5.12.290 - Spills from vehicles; concrete, cement, gravel, sand, dirt and asphalt hauling.

Any person engaged in hauling concrete, cement, gravel, sand, dirt or asphalt on any public street within the corporate limits of the city shall load or fill vehicles so as to not allow spillage of any material onto city streets or sidewalks. All vehicles hauling wet concrete, cement or loose material, are required to use suitable covers, spill prevention and capture devices to prevent materials from blowing, spilling or dripping from the vehicle.

In the event that spillage does occur in spite of the appropriate use of said devices, the person responsible for the operation of the vehicle shall remove the material from the street or sidewalk. Shoveling, sweeping or vacuuming the material and removing it from the roadway is an appropriate response. Failure to properly remove spilled material from a public street or sidewalk or washing spilled material into any storm sewer, sanitary sewer, catch-basin, manholes or other drainage-way is not an acceptable response and is a violation of city policy.

5.12.295 – Confinement of animals.

Any occupant owning or possessing an animal on the premises which may bite or attempt to bite a collector while engaged in collecting refuse shall be required to secure the animal(s) or place the receptacles in such manner that such animal shall not constitute a hazard or endanger a solid waste collector.

5.12.296 – Fire prevention.

It shall be unlawful for any person to set or cause to be set any fire in a solid waste container. No person shall place embers, ashes or other materials into a solid waste container which would create a fire hazard.

5.12.297 – Enforcement.

The city manager along with any city employee the city manager designates shall be empowered to enforce this ordinance. In performance of this duty, but subject to constitutional limitations, the city manager or their authorized representative is hereby authorized to enter, at any reasonable hour, any premises as may be necessary for such enforcement.

If any solid waste disposed of in violation of this ordinance can be identified as having belonged to, been in the possession of, sent to, or received by or to have been the property of any person prior to being

disposed of, such identification shall be prima facie evidence that such person disposed of or caused to be disposed of such solid waste in violation of this ordinance.

Photographs or videotapes of an illegal dumping area, litter or of a person committing such offense may be used as evidence to identify the person responsible.

- A. Upon discovery of a violation of this ordinance, the person in violation shall be given written notice describing the violation, and if the city is seeking abatement of the violation, the city shall give the violator fifteen (15) days from the service of the notice to abate the violation.
- B. The notice shall contain the following information:
 - 1. Date;
 - 2. Name of the person to whom the notice is given, however, if the name of the occupant cannot reasonably be determined, it will be deemed sufficient for the notice to be given to "Occupant";
 - 3. Address and/or parcel number of the real property that is subject to the notice;
 - 4. Nature of violation and the action required, including the period of time in which the action is required to be accomplished measured from the time the notice is given;
 - 5. Statement indicating the date of any court appearance required;
 - 6. If the city is seeking abatement of the violation, a statement indicating that the notice becomes final fifteen (15) days after the notice is given;
 - 7. Statement briefly indicating what action can be taken by the city if the notice is not complied with; and
 - 8. Name, address and telephone number of the enforcement authority.
- C. Service of this notice is deemed sufficient if given by one of the following:
 - 1. Sending a copy by registered or certified mail, return receipt requested to the person to be notified; or
 - 2. Delivering a copy personally to the person to be notified;
 - 3. Leaving a copy at the residence of the person to be notified.
- D. It shall be the responsibility of the occupant to abate the existing violation after receipt of a notice. If the notice is not complied with, the city may take appropriate action to abate the violation, and the cost thereof shall be assessed pursuant to Section 5.12.400, or the city may elect to notify the owner of the premises of the violation and order the owner to abate the violation. The owner shall be entitled to the same notice and period of time to abate the violation that was originally given to the occupant. If the owner does not then abate the violation, the city may take appropriate action to abate the violation and assess the costs of the abatement to either the occupant or the owner.

- E. Enforcement of this ordinance against any owner of record shall not in any manner diminish the ability of the city to enforce the ordinance against an occupant of the real property, and the enforcement of this ordinance against any occupant shall not in any manner diminish the ability of the city to enforce the ordinance against an owner of record of the real property.
- F. This ordinance shall not prohibit a landlord from including a provision in a lease agreement to collect any enforcement costs imposed by the city against the landlord due to the actions or inactions of a tenant.

Article III. - Regulation of Dumping and Littering

5.12.300 - Dumping on lots prohibited.

No garbage, trash, refuse or other offensive or disease producing materials shall be dumped on any lot within the corporate city limits for the purpose of filling or any other purpose.

5.12.310 - Littering prohibited.

No person shall cause to be placed in and upon any of the streets, alleys, sidewalks, public thoroughfares or grounds of the city within the corporate limits of the city any garbage, refuse and/or trash.

All business firms dispensing their product in cups, plates, wrappers, sacks and other similar forms of containers shall provide adequate receptacles upon the premises for collection of refuse. It shall be the express responsibility of all such business firms to collect all cups, plates, wrappers, sacks and other similar forms of containers dispensed by said business that may be discarded upon the premises or neighboring streets and sidewalks. It further shall be the responsibility of said business to collect the aforementioned items from the premises of the neighboring property when the owners of the property specifically request and authorize the business personnel to enter upon their property for that purpose.

5.12.320 - Handbills and other advertising materials.

- A. No person shall loosely scatter or throw any handbills or other advertising matter upon the surface of the public streets, sidewalks, thoroughfares or grounds of the city or within the yards of private residents.
- B. No person shall cause advertisements or handbills to be posted on any public property except by permission of the city. No person, under any circumstance, shall post or place on any wall, materials in such a manner that they may be loosened or blown down by the wind and scattered.
- C. No person shall cause advertisements or handbills to be placed on private property within the corporate limits of the city without the consent of the property owner.
- D. No person shall distribute, place or deposit in the streets of the city or in any of the yards in the city any handbill or other advertisement matter. All such advertisements or handbills shall be delivered personally or by mail.

5.12.330 - Sweeping garbage, refuse and/or trash from stores.

No refuse or trash shall be swept from businesses within the corporate limits of the city onto the streets, sidewalks, alleys or public thoroughfares of the city.

5.12.340 – Weeds - Abatement by the city—Costs.

- A. No person shall allow or permit weeds, grass and other vegetable matter to grow and be upon his premises uncut so as to render the premises unsightly or unhealthy.
- B. The growth and accumulation of weeds, grass, or other vegetable matter so as rendering the premises unsightly or unhealthy, if within one hundred (100') feet of any building or dwelling, is declared to be a nuisance.
- C. The city's code enforcement officer, upon notice of the failure of any person to comply with the requirements of subsection A or B of this section, shall at once notify the violator to clean up the premises within one (1) week. Failure to remove the nuisance after such notice shall constitute a violation of this chapter, punishable by the City of Stockbridge Municipal Court of the city in accordance with Section 5.12.410 of this chapter.
- D. In addition to any fine or sentence imposed by the City of Stockbridge Municipal Court, upon the failure of any person to remove and abate the nuisance, as provided in subsection C of this section, the city may enter upon the premises of the person offending and cause the nuisance to be removed and charge the expense thereof to the owner of the premises. The cost of removal shall be assessed thereon and collected as city taxes are assessed and collected.

5.12.350 - Junk—Abatement by the city—Costs.

- A. It is unlawful for any person to place, abandon, keep, leave, store, suffer or permit the placement, abandonment, leaving, keeping, storage of nonfunctioning motor vehicles, appliances, machinery, or equipment, or parts thereof, out-of-doors upon any public or private land within the city.
- B. Whenever it shall appear that subsection A of this section has been violated, the city shall, in writing, notify the owner or tenant in possession of the property on which the violation exists to abate such violation by removing the materials to a conforming location, or into an enclosed garage, barn, or other building within ten (10) days of the notice. On failure thereof, the city may abate the nuisance as provided in Section 11.08.040, et seq. and assess the cost.
- C. The expenses of the removal of such junk shall be enforceable and collectible from the owner and/or occupier of the premises, in the same manner as delinquent taxes and street improvements are enforced and collected.

Article IV. - Recovery of Expenses— Penalties—Violations

5.12.400 - Expenses—Penalties.

If the city is required to take legal action to enforce the terms and provisions of this chapter or to collect any funds due it in any civil court of this state or any federal court of the United States, the person or entity violating this chapter or failing to pay any funds due the city shall be required to reimburse and pay the city all legal expenses, attorney fees and court costs incurred by the city in the enforcement of this chapter or the collection of any funds due.

- A. The city may take action to abate the violation from real property if any person who has been provided written notice fails, neglects or refuses to comply with the notice or if the violation presents a clear and present danger to the public health, safety and welfare if immediate measures are not taken to alleviate this clear and present danger. The city may abate the violation by contract with a contractor or with city personnel and equipment.
- B. The owner and/or occupant of the real property shall be jointly and severally responsible for the city's cost for the abatement of the violation under this ordinance. The costs for abatement shall be the actual costs of the work performed by the city or a contractor.
- C. The city manager shall send a bill to the person violating this ordinance for the city's cost for abatement of the violation. Payment shall be due fifteen (15) days after the billing date.
- D. If the bill is not paid within thirty (30) days of the due date, the city may file a civil action in a court of competent jurisdiction in Henry County against the violator to collect the costs for the abatement of the violation, including reasonable attorney's fees.

5.12.410 - Reserved.

Revised August 28, 2019